

Attached is the Notice of Transition Assistance, to be published in the *Federal Register*, which describes the transition time, training and funding HUD will provide in connection with the implementation of HUD's new Lead Safe Housing Regulation to protect children from the hazards of lead based paint in housing. The rule (24 CFR part 35) becomes effective on September 15, 2000 for HUD's housing programs and triggers new requirements based on recent scientific findings and advances in lead hazard control methods to protect children from lead poisoning. The rule requires new lead safety controls and the use of workers, contractors and inspectors who are trained or licensed (as appropriate), all designed to make HUD-assisted housing lead safe.

While the Department believes there is an adequate supply of contractors, trained workers and certified testers in most areas of the country, there may be some areas where additional training and technical assistance is needed. Accordingly, HUD has developed this transition assistance policy to help jurisdictions achieve full compliance with the new rule.

Under the transition policy described in the Notice, if the chief elected official of a City, County or Indian Tribe, or the head of the appropriate State agency, submits a statement of inadequate capacity by November 15, 2000, and a Transition Implementation Plan by December 15, 2000, HUD will provide special training and technical assistance, and the new requirements will be delayed until March 15, 2001.

In addition, on August 28, 2000, Secretary Cuomo announced a comprehensive multimillion dollar program to further help communities protect children from the dangers of lead poisoning. HUD will provide \$84 million to conduct lead testing in federally-funded, low-income housing and more than \$20 million to train additional inspectors and other workers, including maintenance and renovation specialists to carry out HUD's new Lead Safe Housing Regulation that takes effect on September 15, 2000.

This new funding will help communities develop the capacity to comply with the new regulation. Funds will provide training in communities where there is a need for more inspectors and workers who are skilled in the proper handling of lead. These funds will help also defray the costs of risk assessments and clearance testing in privately-owned, low-income units.

This funding, along with other transition assistance that HUD will provide so that communities gain expertise to comply with the new lead safety requirements, is part of HUD's strategy for successful implementation of the new Lead Safe Housing Regulation.

This strategy is referred to in the *Federal Register* notice and discussed more thoroughly in the attached "Transition Strategy to Implement HUD's Lead Safe Housing Regulation." More specific guidance on how to access this funding will be available shortly. Also set out below is a sample Statement of Inadequate Capacity to Comply with the new Lead Safe Housing Regulation and guidance on preparation of a Transition Implementation Plan (Transition Implementation Plan Guidance).

For further information, call the Lead Paint Compliance Assistance Center, toll free, at 1-866-HUD-1012 (1-866-483-1012).

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**[Docket No. FR-3482-N-09]**

**Requirements for Notification, Evaluation and  
Reduction of Lead-Based Paint Hazards in Federally Owned  
Residential Property and Housing Receiving Federal Assistance;  
Notice of Transition Assistance**

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Notice of transition assistance.

**SUMMARY:** This notice describes the transition assistance that will be provided in connection with implementation of HUD's new requirements for notification, evaluation and reduction of lead-based paint hazards in federally owned residential property and housing receiving federal assistance ("Lead Safe Housing Regulation"). The Lead Safe Housing Regulation was published in the Federal Register on September 15, 1999, and becomes effective on September 15, 2000. To make certain that adequate service providers exist throughout the country to carry out lead-based paint hazard evaluation and reduction activities safely and effectively, and to target available resources to housing which places children most at risk, HUD has developed a transition assistance policy with three components.

First, HUD is authorizing a six-month transition period for program participants in jurisdictions which notify the Department by November 15, 2000, that they lack the capacity to implement one or more provisions of the Lead Safe Housing Regulation. Second, post-1960 properties occupied by children under six receiving only tenant-based rental assistance will be provided a twelve month transition period. Third, properties receiving federal rehabilitation assistance greater than \$25,000 that are occupied by the

elderly, where no child under six resides or is expected to reside, will be provided a twelve month transition period. No submission by a jurisdiction is required in order for program participants to take advantage of the second and third transition assistance components. All three components are discussed in more detail in the Supplementary Information section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Lead Paint Compliance Assistance Center, Office of Healthy Homes and Lead Hazard Control, Department of Housing and Urban Development, 451 7th Street, SW, Room P-3206, Washington, DC 20410-0500, 1-866-HUD-1012 (1-866-483-1012) (this is a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:**

Background

Congress mandated the reduction of lead-based paint hazards in federally owned residential property and housing receiving federal assistance in the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992) (Pub.L. 101-550; 106 Stat. 3897; 42 U.S.C. 4851 *et seq.*), which amended the Lead-Based Paint Poisoning Prevention Act (Pub.L. 91-695; 84 Stat. 2078; 42 U.S.C. 4801 *et seq.*). HUD published the Lead Safe Housing Regulation implementing Sections 1012 and 1013 of Title X in the Federal Register at 64 FR 50140 on September 15, 1999. This regulation becomes effective on September 15, 2000.

The Lead Safe Housing Regulation applies advances in the scientific understanding of childhood lead poisoning in the rehabilitation, treatment and maintenance of federally owned residential property and housing receiving federal assistance under a wide array of programs. The regulation also increases the quantity of

testing, home maintenance, repair or rehabilitation work that must be performed in a lead-safe manner. In most areas of the country, the Department believes there is an adequate supply of trained contractors and licensed (certified) personnel to do the work required. However, in certain areas, the market for the services required under the regulation may not yet have reached the point where the requisite expertise is reasonably available for all programs and all requirements of the regulation.

Recognizing that gaps in capacity may exist, the Department believes that to protect children from lead poisoning in federally owned residential property and housing receiving federal assistance, the Lead Safe Housing Regulation must become effective as scheduled on September 15, 2000. Under this notice, the Department is providing program participants with a short transition period during which the geographic areas lacking capacity to comply with the Lead Safe Housing Regulation can build that capacity and resources can be focused on the housing stock with the greatest need. During this transition period, program participants in jurisdictions qualifying for the transition assistance will not be expected to comply with the relevant requirements of the Lead Safe Housing Regulation for certain identified programs. Working in partnership with organizations of housing providers and childhood health advocates, HUD will provide funds for nationwide training of clearance technicians, maintenance workers, rehabilitation workers, program staff and others. HUD will also create a Lead Paint Compliance Assistance Center to respond to requests for training assistance from jurisdictions which have inadequate capacity. The Department will provide funds to defray the costs of testing for lead-based paint and lead-based paint hazards, including clearance testing and risk assessments in the housing choice voucher program, clearance testing for properties receiving federal rehabilitation assistance and inspections and risk assessments for HUD's project-based programs. HUD is issuing program specific administrative notices to all program participants describing the sources of funding available for lead-based paint inspections and other testing, and related training.

## **TRANSITION ASSISTANCE:**

### Component 1 - Assistance for Jurisdictions with Inadequate Capacity

For program participants in a particular jurisdiction to qualify for transition assistance based on inadequate capacity to carry out specific requirements of the Lead Safety Regulation, the chief elected official of the jurisdiction, or a senior official designated to act on his or her behalf (such as the official who signs the Annual Consolidated Action Plan submitted to HUD for the jurisdiction), must submit a Statement of Inadequate Capacity to HUD. A jurisdiction is defined for purposes of this notice as a CDBG Entitlement Grantee or for non-entitlement areas, the State CDBG Grantee or Indian Tribe. If the jurisdiction is the State, the statement must be signed and submitted by the agency head who signs the State Annual Consolidated Action Plan submitted to HUD and by the agency head responsible for the EPA-authorized lead-based paint certification program (if the State has an EPA-authorized lead-based paint certification program). If the jurisdiction is an Indian Tribe, the statement must be signed and submitted by the chief official of the Indian Tribe and by the individual responsible for the EPA-authorized lead-based paint certification program (if the Indian Tribe has an EPA-authorized lead-based paint certification program). The statement submitted by a State may cover all or part of the CDBG non-entitlement area of the State. The Statement of Inadequate Capacity should be circulated to and reviewed by local officials with responsibility for housing and public or environmental health in the State or locality.

The Statement of Inadequate Capacity must be submitted to:

David E. Jacobs  
Deputy Director  
Office of Healthy Homes and Lead Hazard Control  
U.S. Department of Housing and Urban Development  
Room P-3202  
451 7th Street, SW  
Washington, DC 20410-0500

Specifically, the jurisdiction must indicate in the Statement of Inadequate Capacity that trained, licensed (certified) or accredited personnel or firms are either not available in sufficient numbers or are not available at a reasonable cost to make it practicable to comply with the Lead Safe Housing Regulation between September 15, 2000, and March 15, 2001. The statement must indicate the specific requirements, as well as the particular programs or types of assistance covered by the Lead Safety regulation for which capacity to comply does not yet exist. If the jurisdiction's claim of inadequate capacity is based on unreasonable cost, the statement must be documented by an analysis of actual bids. A sample Statement of Inadequate Capacity which HUD recommends jurisdictions use will be available on the HUD lead website at [www.hud.gov/lea](http://www.hud.gov/lea).

This Statement of Inadequate Capacity from a jurisdiction must be received by HUD no later than November 15, 2000. At the same time the statement is submitted to HUD, a copy of this statement must also be submitted to the State agency responsible for the lead-based paint certification program or to the regional EPA office if EPA is operating the lead-based paint certification program directly.

The jurisdiction is required to submit a Transition Implementation Plan with its Statement of Inadequate Capacity no later than December 15, 2000, explaining how the jurisdiction will take the necessary steps to ensure that an adequate supply of personnel or contractors will be available by March 15, 2001. Failure to submit the plan by December 15, 2000, will result in the rescission of the transition assistance.

The plan must include the following: (1) an assessment of actual existing capacity and the additional number and type of personnel that need to be trained and/or certified; (2) how training will be obtained; (3) how assisted housing with the greatest risks and greatest opportunity to control lead-based paint hazards will be prioritized using existing personnel or contractors; (4) how coordination with the State agency responsible for certification of lead hazard control personnel will be achieved; and (5) a schedule of

activities that will enable the jurisdiction to obtain compliance as rapidly as possible, but no later than March 15, 2001. Jurisdictions must agree to make the Transition Implementation Plan publicly available. Transition Implementation Plan Guidance will be available on the HUD lead website at [www.hud.gov/lea](http://www.hud.gov/lea).

If the Statement of Inadequate Capacity from a jurisdiction meets all of the requirements set out in this notice, the Department will conclude that program participants in the jurisdiction lack the capacity to undertake safely and responsibly the evaluation and reduction of lead-based paint and lead-based paint hazards under the Lead Safe Housing Regulation and that transition assistance is needed to build capacity. The Department will publish in the Federal Register and make available on the HUD lead website at [www.hud.gov/lea](http://www.hud.gov/lea) a list of the jurisdictions that have applied for transition assistance. HUD will conduct periodic audits of these Statements of Inadequate Capacity and may rescind transition assistance based on a false statement of inadequate capacity.

Jurisdictions that lack capacity will not be required to comply with the affected requirements of the Lead Safe Housing Regulation during a transition period beginning on September 15, 2000 and ending on March 15, 2001. During this transition period, program participants will continue to comply with HUD's lead-based paint regulations that were effective before September 15, 2000. If there remains a lack of capacity of trained or licensed (certified) professionals to conduct activities under the Lead Safe Housing Regulation at the end of the transition period, the jurisdiction must provide for HUD approval supplemental documentation in the form of an updated Transition Implementation Plan to justify an extension of the transition period consistent with their Annual Consolidated Action Plan schedule.

Component 2 - Phase In Period for Post-1960 Properties Receiving Tenant-Based Assistance.



HUD will provide a one year transition period--until September 15, 2001--for all properties built after 1960 receiving only tenant-based assistance that are occupied by a child under six. During this transition period, program participants will continue to comply with HUD's lead-based paint regulations that were effective for this program before September 15, 2000. To receive this transition assistance, no submission by a jurisdiction is required.

Component 3 - Phase In Period for Elderly-Occupied Properties Receiving Federal Rehabilitation Assistance Greater Than \$25,000.

HUD will provide a one year transition period--until September 15, 2001--for all properties receiving federal rehabilitation assistance greater than \$25,000 that are occupied by the elderly, where no child resides or is expected to reside. During the transition period, program participants will comply with the requirements in the Lead Safe Housing Regulation for federal rehabilitation assistance between \$5,000 and \$25,000. To receive this transition assistance, no submission by a jurisdiction is required.

Dated: September 5, 2000.

\_\_\_\_\_  
Andrew Cuomo  
Secretary

This document contains the following: (1) a Transition Strategy to Implement HUD's Lead Safe Housing Regulation [24 CFR Part 35]; (2) a sample Statement of Inadequate Capacity to Comply with the Lead Safe Housing Regulation [24 CFR Part 35] including lists of (a) HUD Lead-Based Paint Grantees, (b) EPA-Administered Lead-Based Paint Accreditation and Certification Programs, (c) States Authorized by EPA to Administer Lead-Based Paint Accreditation and Certification Programs; and (3) Transition Implementation Plan Guidance.

**Transition Strategy to Implement HUD's Lead Safe Housing  
Regulation  
[24 CFR Part 35]**

**Summary**

HUD has developed a transition strategy to implement the new Lead Safe Housing Regulation which becomes effective on September 15, 2000. This transition strategy will be published as a notice in the Federal Register. The new regulation applies advances in the scientific understanding of childhood lead poisoning to the rehabilitation, treatment, and maintenance of federally owned residential property and housing receiving federal assistance under a wide array of programs. The evaluation and control of lead-based paint hazards required under the new regulation requires expertise and training to be done safely and effectively. In certain areas around the country, however, the market for the services required under the rule may not yet have reached the point where the requisite expertise is reasonably available.

Recognizing that appropriate expertise is necessary for the new regulation to offer the protections it should, HUD has developed a transition strategy to achieve the full implementation of the rule. The strategy has three parts: First, a short transition assistance period during which those geographic areas lacking capacity to comply with the rule can build that capacity and resources can be focused on housing stock with the greatest need; Second, training assistance to those jurisdictions that need help building their capacity; Third, direct funding to reduce the costs of complying with the rule.

HUD will provide more than \$100 million to help communities develop the capacity to perform the testing and lead-safe work practices required by the new rule and to defray the

costs of complying with the rule. HUD will meet regularly with the affected and interested parties to support implementation of this transition strategy. HUD will work with this group to more precisely estimate the cost of all the lead-based paint hazard reduction or elimination required in HUD-assisted programs throughout the country as new information becomes available.

**To facilitate the transition**, HUD will establish the following transition assistance periods:

- **For jurisdictions that lack adequate capacity.** HUD will authorize a six-month transition assistance period for program participants in jurisdictions which notify HUD, by November 15, 2000 through a Statement of Inadequate Capacity, that they lack the capacity to implement one or more provisions of the new rule;
- **Post-1960 properties** occupied by young children receiving only tenant-based rental assistance will have a twelve month transition assistance period; and
- Properties receiving federal rehabilitation assistance greater than \$25,000 that are **occupied by the elderly**, where no child resides or is expected to reside, will have a twelve month transition assistance period.

To help **build capacity** HUD will:

- **Fund nationwide training** for clearance technicians, maintenance workers, rehabilitation workers, and program staff with industry partners and
- **Create a Lead Paint Compliance Assistance Center** to respond to requests for training assistance from areas which are unable to comply.

To help **reduce the costs** of complying with the rule HUD will:

- **Provide \$84 million to fund the costs of testing** including clearance testing and risk assessments

in the housing choice voucher program, clearance testing for properties receiving federal rehabilitation assistance, and inspections and risk assessments for HUD's project-based programs.

### **Background**

Congress mandated reduction of lead-based paint hazards in federally owned residential property and housing receiving federal assistance in 1992. On September 15, 1999, HUD promulgated a final rule applying advances in the scientific understanding of childhood lead poisoning. The new HUD regulation significantly increases the quantity of testing and home maintenance, repair, or rehabilitation work that must be performed in a lead-safe manner. In an effort to ensure that sufficient numbers of trained persons are available in all disciplines needed to implement the rule, HUD has focused its transition strategy on the need for trained or certified individuals to perform the work required by the rule in certain areas and the costs of complying with the rule.

### **Transition assistance period**

In order to assist those geographic areas where capacity is underdeveloped, HUD will authorize a transition assistance process targeted to those areas. This policy has the dual benefit of identifying local training needs to implement the rule, and requiring implementation where capacity currently exists.

Under the transition assistance process, a jurisdiction (CDBG entitlement grantee, for non-entitlement areas the State CDBG grantee, or Indian Tribe) which provides a statement to HUD that it lacks capacity would be given six months from the effective date of the rule (September 15, 2000) to address any capacity problems in their locality. Additional time may be granted at the end of six months, in accordance with the Annual Consolidated Action Plan schedule, in particular areas where the initial transition assistance period has not yet yielded sufficient capacity. During the transition assistance period, the lead-based paint regulations that were in place before September 15, 2000 will remain in effect.

For example, a jurisdiction that states that the supply of clearance (sampling) technicians, inspectors and risk assessors is inadequate for a particular program or type of assistance will include this information in the statement to HUD. This will eliminate the need to comply with the clearance requirement of the new lead-based paint rule for that particular program or type of assistance as indicated in the jurisdiction's statement. HUD will use this information to target appropriate compliance assistance to build the requisite capacity during the transition period.

To qualify for the transition assistance period, a jurisdiction must submit a Statement of Inadequate Capacity signed by the Chief Elected Official (or senior official designated to act on his or her behalf, such as the official who signs the Annual Consolidated Action Plan submitted to HUD for the jurisdiction) to HUD by November 15, 2000. HUD will conduct periodic audits of these Statements of Inadequate Capacity and may rescind transition assistance based on a false statement of inadequate capacity. If the jurisdiction is the State, the statement is required to be signed and submitted by the agency head who signs the State Annual Consolidated Action Plan submitted to HUD and by the agency head responsible for the EPA-authorized lead-based paint certification program (if the State has an EPA-authorized lead-based paint certification program). If the jurisdiction is an Indian Tribe, the statement is required to be signed and submitted by the chief official of the Indian Tribe and by the individual responsible for the EPA-authorized lead-based paint certification program (if the Indian Tribe has an EPA-authorized lead-based paint certification program). The statement submitted by a State may cover all or part of the CDBG non-entitlement area of the State. The Statement of Inadequate Capacity should be circulated to and reviewed by local officials with responsibility for housing and public or environmental health in the State or locality. A copy of the statement is also required to be sent to the State agency responsible for the lead-based paint certification program or to the regional EPA office if EPA is operating the lead-based paint certification program directly.

The statement must include the following:

- A statement of the lack of capacity for the particular program(s) or type(s) of assistance to meet specific requirements of the rule;

- An analysis of actual bids submitted, if the claim of inadequate capacity is based on the lack of reasonably priced contractors in the jurisdiction;
- Steps that will be taken by the jurisdiction to address capacity;
- A statement acknowledging that the lead-based paint regulations that were in place before September 15, 2000 will remain in effect during the transition assistance period; and
- All other items detailed in the attached sample Statement of Inadequate Capacity.

The jurisdiction is required to submit a Transition Implementation Plan with its Statement of Inadequate Capacity, or no later than December 15, 2000, explaining how the jurisdiction will take the necessary steps to ensure that an adequate supply of personnel or contractors will be available by March 15, 2001 (See Transition Implementation Plan Guidance attached). Failure to submit the plan by December 15, 2000 will result in the rescission of transition assistance.

HUD will also establish a transition assistance period for certain properties based on the age of the property or occupancy by elderly persons as follows:

- There will be a 12-month transition assistance period for all post-1960 properties receiving only tenant-based rental assistance that are occupied by young children. During the transition assistance period, these properties will be required to follow the current lead-based paint regulations.
- There will be a 12-month transition assistance period for properties receiving federal rehabilitation assistance greater than \$25,000 that are occupied by the elderly (where no child resides or is expected to reside). During the transition assistance period, these properties will be required to comply with the new rule's requirements for properties receiving federal rehabilitation assistance between \$5,000 - \$25,000.

*Other Policy Clarifications*

- In the case of federal rehabilitation assistance, HUD does not require that an elderly occupant be relocated, provided that informed consent is obtained from the occupant.
- Clearance and safe work practices are not required in all federally-assisted housing if the amount of deteriorated paint is less than the de minimis area specified in the new rule at 24 CFR 35.1350(d).
- The 5 day period requiring relocation at 24 CFR 35.1345(a)(2)(iv) of the new rule applies to a single interior room, but not necessarily the entire interior of a dwelling.

### **Capacity Building**

To improve infrastructure and local capacity, HUD will provide technical assistance to program participants and others. HUD will target resources to those areas that have submitted a Statement of Inadequate Capacity. Significant training has already been provided and additional training is planned. A website and toll-free hotline will be established to disseminate information about training course offerings. Specifically, the following training and technical assistance activities will be supported by HUD:

- **Clearance:** To help meet the clearance requirements of the regulation, the Department will pay \$1.262 million to train 50 accredited, geographically-dispersed Training Providers and 5,000 Clearance Technicians. These training providers will receive financial incentives to encourage end-users in their states to be trained as Clearance Technicians. Clearance Technicians may include HQS inspectors and other local personnel, such as rehabilitation specialists and program staff. The course will be offered free of charge.
- **Maintenance Workers/TBRA Owners:** To ensure adequate capacity to perform safe maintenance, rehabilitation activities and interim controls required by the regulation, the Department will pay \$1.5 million to train tenant-based owners, their maintenance workers and other

interested parties in lead safety. This is in addition to existing training activities offered through HUD lead hazard control grantees, health departments and others. HUD will contract with national training providers to carry-out the nationwide training activity. By partnering with industry groups, HUD will make the course available to thousands during national conferences and other ongoing training opportunities. HUD will work with state and local governments to ensure that the training courses are consistent with State/local regulations.

- **Targeted Training:** In addition to the baseline training provided above, HUD will use \$10 million to establish a Lead Paint Compliance Assistance Center. The Center will serve jurisdictions that lack capacity, as evidenced by their transition period Statement of Inadequate Capacity, in specific disciplines. For example, if a jurisdiction lacks clearance technicians, HUD would initiate a training course in the area to increase the number of trained clearance technicians.

#### **Funding Clearance Testing and Inspections**

HUD will make a total of \$84 million available to defray the costs of inspections and other testing.

- HUD will dedicate \$59 million to pay for inspections and risk assessments in project-based housing, allowing HUD, for the first time, to have a complete assessment of its project-based stock. HUD's Real Estate Assessment Center (REAC) will arrange for a "bulk buy" of these inspections and assessments, which will lower the total cost of compliance by more than \$27 million in the first year alone. An Office of Housing notice providing detailed instructions will be issued shortly.
- Properties receiving other types of assistance, such as CDBG/HOME, or TBRA will also be able to take advantage of REAC's low cost "bulk buy" rate when paying for their own inspections.
- HUD will make \$14 million available for clearance testing and risk assessments in units receiving tenant-based rental assistance (\$10M for clearance; \$4M for risk assessments). These funds will be made available to PHAs through new administrative fees provided by HUD to PHAs.



For each tenant-based unit clearance tested, a PHA may claim reimbursement of \$150 for the initial clearance test. For each tenant-based unit for which a risk assessment is done, a PHA may claim reimbursement of \$350. The PHA will follow regular budgeting procedures and year-end statement procedures to access these special administrative fees. An Office of PIH notice providing detailed instructions will be issued shortly.

- HUD will also make \$11 million available for clearance testing in properties receiving federal rehabilitation assistance. HUD will reimburse entitlement grantees based on a management information system report (i.e. IDIS) or a separate report to HUD that documents the number and cost of all clearance activities paid for by the grantees. HUD has determined that this amount will be sufficient to pay for clearance testing in all these properties. An Office of CPD notice providing detailed instructions will be issued shortly.

**Statement of Inadequate Capacity to Comply with the Lead Safe Housing Regulation [24 CFR Part 35]**

Organization: \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

David E. Jacobs, Deputy Director  
Office of Healthy Homes and Lead Hazard Control  
U.S. Department of Housing and Urban Development  
451 Seventh Street, S.W., Room P-3206  
Washington, DC 20410

Dear Mr. Jacobs:

Subject: New HUD Lead-Based Paint Regulations

The U.S. Department of Housing and Urban Development (HUD) promulgated a new regulation on September 15, 1999 (64 FR 50140) establishing requirements for notification, evaluation and reduction of lead-based paint hazards in federally owned residential property and housing receiving Federal assistance (Lead Safe Housing Regulation). The Lead Safe Housing Regulation, which is at 24 CFR Part 35, takes effect on September 15, 2000 at which time all affected parties must comply. A transition assistance process has been established to accommodate situations where trained contractors and licensed personnel, qualified to carry out required lead-based paint activities, are unavailable or not available at a reasonable cost in the jurisdiction. If the chief elected or appointed official of the local government, State or Indian Tribe, or a senior official designated to act on his or her behalf, such as the official who signs the Annual Consolidated Action Plan submitted to HUD for the jurisdiction, makes a statement of inadequate capacity to HUD by November 15, 2000, HUD will conclude that the jurisdiction is not required to comply with the Lead Safe Housing Regulation during a transition assistance period

which begins on September 15, 2000 and ends on March 15, 2001. If the claim is based on unreasonable cost, such request must be documented by an analysis of actual bids.

The \_\_\_\_\_ hereby

(jurisdiction of general local government, State or Indian Tribe)

states the following:

1. As of the date of this letter, the types of trained, licensed (certified) or accredited personnel or firms checked below are either not available in sufficient numbers or are not available at a reasonable cost in this jurisdiction to make it practicable to comply with the lead-based paint hazard evaluation and reduction requirements of the Lead Safe Housing Regulation.

(Check **services** that apply. If different designations are used in your State, please check those that most closely correspond.)

- Interim controls workers trained in accordance with the new HUD requirements at 24 CFR §35.1330(a)(4).
- Trained or certified lead paint sampling technicians or clearance technicians
- Certified lead-based paint inspectors or risk assessors.
- Certified lead-based paint abatement supervisors.
- Trained or certified lead-based paint abatement workers
- Other personnel or firms (specify) \_\_\_\_\_

It is recognized that there are a number of HUD assisted programs covered by 24 CFR Part 35 and the availability of trained or certified staff may affect one requirement in one program or type of assistance and not the requirements in another program or type of assistance. Capacity does not exist to comply with the following requirements in the following programs or types of assistance:

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2. The Local or State government or Indian Tribe acknowledges:

- (a) that the cost of training staff and contractors in skills necessary to comply with the rule or to obtain certification to satisfy the requirements of Federal or State lead-based paint requirements is an eligible expense under the Community Development Block Grant (CDBG) program and the Home Investment Partnerships (HOME) program;

(b) that the Lead Listing, which is a State-by-State listing of firms providing certified lead-based paint personnel, including inspectors, risk assessors, abatement supervisors, and abatement workers, can be accessed via a toll-free telephone number (1-888-LEADLIST) or an Internet web site (www.leadlisting.org);

(c) that assistance in determining what lead-based paint personnel are required and in identifying trained and/or certified firms or personnel can be obtained from HUD lead-based paint hazard control grantees, the State agency responsible for certifying lead-based paint personnel, or (for States that do not have an EPA-authorized program) the U.S. Environmental Protection Agency (see attached listing of Lead-Based Paint Grantees and State and EPA offices).

(d) that a wide variety of training courses are available through the HUD website (www.hud.gov/lea), including: courses on lead-safe work practices for renovators, remodelers, and maintenance personnel developed in collaboration with the National Apartment Association, the National Association of the Remodeling Industry, the National Environmental Training Association and others; a course on clearance testing procedures, developed with the Environmental Protection Agency; a web-based training course on visual assessment of paint condition; and training programs on the Lead Safe Housing Regulation for HUD assisted housing, such as Section 8 housing and housing receiving funds from the Community Development Block Grant program and others.

(e) that the transition period ends on March 15, 2001. And that if at the end of the Transition Period, there remains a lack of capacity by trained or licensed professionals to conduct activities required by the Lead Safe Housing Regulation, the jurisdiction will provide documentation, for HUD's consideration, to justify an extension of the transition period consistent with their Annual Consolidated Action Plan schedule.

3. The \_\_\_\_\_ [Local or State government or Indian Tribe] will take the necessary steps to ensure that an adequate supply of personnel or contractors will be available no later than March 15, 2001 so that the

jurisdiction can comply with the requirements of the Lead Safe Housing Regulation at that time. These steps will be explained in the Transition Implementation Plan which will be submitted to HUD by December 15, 2000 at the latest. The plan must include the following: (1) an assessment of actual existing capacity and the additional number and type of personnel that need to be trained and/or certified; (2) how training will be obtained; (3) how assisted housing with the greatest risks and greatest opportunity to control lead-based paint hazards will be prioritized using existing personnel or contractors; (4) how coordination with the State agency responsible for certification of lead hazard control personnel will be achieved; and (5) a schedule of activities that will enable the jurisdiction to obtain compliance as rapidly as possible, but no later than March 15, 2001. The jurisdiction agrees to make the plan publicly available.

4. A copy of this statement and the Transition Implementation Plan will be sent to the State agency responsible for the lead-based paint certification program or to the regional EPA office if EPA is operating the lead-based paint certification program directly at the same time it is sent to HUD.

5. The \_\_\_\_\_ [Local or State government or Indian Tribe] will take the necessary steps to ensure that this statement and the Transition Implementation Plan will be circulated to and reviewed by local officials with responsibility for housing and public or environmental health in the State or locality.

6. Between September 15, 2000, and March 15, 2001, the local or State government or Indian Tribe will comply with the relevant requirements of the HUD lead-based paint regulations that were effective before September 15, 2000. It will also comply with the parts of the new Lead Safe Housing Regulation covering prohibited methods of paint removal (at 24 CFR 35.140) and occupant protection (at 24 CFR 35.1350).

I hereby state that trained, licensed (certified) or accredited personnel or firms are either not available in sufficient numbers or are not available at a reasonable cost in \_\_\_\_\_ [Local or State government or Indian Tribe] to make it practicable to comply with the lead-based paint hazard evaluation and reduction requirements of the

Lead Safe Housing Regulation. between September 15, 2000 and March 15, 2001.

Sincerely,

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(signature of chief elected or appointed official of the jurisdiction of general local government, State or Indian Tribe, or a senior official designated to act on his or her behalf)

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typed name of official of the jurisdiction of general local government, State or Indian Tribe, or a senior official designated to act on his or her behalf)

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(title)

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(if the jurisdiction is a State or Indian Tribe, signature of individual responsible for the EPA-authorized lead-based paint certification program (if the State or Indian Tribe has such a program)

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(typed name of individual)

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(title)

HUD Lead-Based Paint Grantees

Grantee	Primary Contact	Title	Org_1	Org_2	Address	City	State	Postal Code	Primary Phone
Jefferson County	Robert Newbill	Lead Program Manager	Jefferson County Commission	Office of Planning and Community Development	805 N. 22nd St.	Birmingham	AL	35203-2385	2053255761
State of Arkansas	Larry Palmer		Dept of Human Services	Div. of County Operations	PO Box 1437/Slot 1330	Little Rock	AR	72203-1437	5016828725
City of Phoenix	Cecile Fowler	Program Coordinator	Neighborhood Services Dept.		200 West Washington, 4th Floor	Phoenix	AZ	85003	6025342528
Alameda County	Adolph Martinel li		Community Development/ Lead Poisoning Prevention Program		2000 Embarcadero, Suite 300	Oakland	CA	94606	5106705400
Alameda County	Damien Gossett	Dir., Housing and Economic Dev.	Lead Poisoning Prevention Program	Planning Dept	2000 Embarcadero, Suite 300	Oakland	CA	94606	5105678299
Alameda County (Cat. B)	Mark Allen	Dir., Housing and Economic Dev.	Lead Poisoning Prevention Program	Planning Dept	2000 Embarcadero, Suite 300	Oakland	CA	94606	5105678287
City & County of San Francisco	Lenore Harris	Program Manager	Mayor's Office of Housing	Primary Prevention Program	25 Van Ness Ave., Suite 600	San Francisco	CA	94102	4152523102
City of Long Beach	Don Fast, M.P.H.	Lead Program Coordinator	Bureau of Environmental Health Services	Dept of Health & Human Services	2525 Grand Ave., Room 220	Long Beach	CA	90815-1765	5625704145
City of Los Angeles	Sergio Tejadilla	Project Manager	Los Angeles Housing Dept.		111 N. Hope St., Room 709	Los Angeles	CA	90012	2133679096
City of Richmond	Chidi Egbounu	Lead Paint Program Manager	Richmond Redevelopment Agency	Housing Division	2548 Macdonald Ave.	Richmond	CA	94804	5104128568

County of Riverside	Steven Uhlman		Department of Public Health		4065 County Circle Drive, Suite 318, PO Box 7600	Riverside	CA	92513-7600	9093585050
San Diego County	Vicki Madrid	Program Manager	Dept. of Housing & Community Development	3989 Ruffin Rd.	3989 Ruffin Rd.	San Diego	CA	92123	8586944877
State of California	Susan Levenson-Palmer	LHC Program Manager	Lead Hazard Control Program	Dept. of Community Services & Development	700 N. 10th St., Room 258	Sacramento	CA	95814-0338	9163244358
City of Denver	Beth Truby		Community Development Agency		216 16th St., Suite 1400	Denver	CO	80202	7209131533
City of New Haven	Paul Kowalski	Environmental Health Program Director	New Haven Health Dept., Bureau of Environmental Health		54 Meadow St., Ninth Floor	New Haven	CT	06519	2039468173
City of New London	Brian Testut	Program Coordinator	New London Health Dept.		120 Broad Street	New London	CT	06320	8604475233
City of Norwich	Kathryn Kuhn		Office of Development		23 Union St.	Norwich	CT	06360	8608233770
City of Stamford	Sarah Pour	Grants Director			888 Washington Blvd., PO Box 10152	Stamford	CT	06904-2152	2039775731
State of Connecticut	Elliot Stone	Senior Development Manager	Community Development & Housing Support Div, Bureau of Housing	Dept of Economic & Community Development	505 Hudson St.	Hartford	CT	06106-7106	8602708168
Town of Manchester	Sue Heller	Administrator	Manchester Lead Abatement Project		63 East Center St., Suite 2A	Manchester	CT	06040	8606473288



District of Columbia	Richard Brewster	Program Manager	Dept. of Health	Environmental Health Administration	825 North Capitol St. N.E., 5th Floor	Washington	DC	20002	2025352626
State of Delaware	Kevin Charles		Health & Social Srvcs.	Div. of Public Health	PO BOX 637	Dover	DE	19903	3027396603
City of Savannah	Gertrude Jennings	Program Coordinator		Community Planning and Development Department	P.O. Box 1027, 6 East Bay St.	Savannah	GA	31402	9126516520
State of Georgia	Glenn Misner		GA Dept of Community Affairs	Office of Financial Assistance	60 Executive Park South	Atlanta	GA	30329-2231	4046793138
City of Dubuque	Kathaleen Lamb	Senior Housing Inspector	Dubuque LBP Hazard Reduction Prgm.	Dubuque Housing Services	1805 Central Ave.	Dubuque	IA	52001-3656	3195894231
City of Chicago	Joyce Thomas		Dept. of Health			Chicago	IL	60604	3127466519
Madison County	Dave Goodrich	Program Manager	Madison County Community Development		130 Hillsboro Avenue	Edwardsville	IL	62025	6186924386
St. Clair County	Joan Scharf		Intergovernmental Grants Dept.	#19 Public Square	Suite 200	Belleville	IL	62220	6182776790
State of Illinois	Mark Vassmer	Special Projects Manager	Division of Environmental Health	Illinois Dept of Public Health	525 West Jefferson St., Third Floor	Springfield	IL	62761	2177852043
Jefferson County Fiscal Court	Paula Staley	Program Manager	Health Department		400 E. Gray Street, Room 211	Louisville	KY	40202	5025746644
City of Shreveport	Robert N. McMullen	Lead-Based Paint Coordinator	Dept. of Community Development	Bureau of Community Services	P.O. Box 31109	Shreveport	LA	71130	3186737547
City of Boston	Kenneth J. Griffin	Senior Project Manager	Lead-Safe Boston	Dept. of Neighborhood Development	38 Winthrop St.	Boston	MA	02136	6176350444

City of Cambridge	Margaret V. Hegarty-Steck	Program Director	Lead-Safe Cambridge	Community Development Dept	57 Inman St., 2nd Floor	Cambridge	MA	02139	6173496010
City of Lawrence	Anne D'Errico	Lead Abatement Program Manager	Office of Planning and Development		225 Essex St., Third Floor	Lawrence	MA	01840	9787945891
City of Lowell	Stephen Vega		Division of Planning & Development	JFK Civic Center	50 Arcand Ave.	Lowell	MA	01852	9789704252
City of Malden	Ronald F. Grasso	Program Manager	Malden Redevelopment Authority	Government Center	200 Pleasant St.	Malden	MA	02148	7813245720
City of Springfield	Patricia Montana		Office of Housing		81 State Street	Springfield	MA	01103	4137876533
Commonwealth of Massachusetts	Andrew Nelson	Program Manager	Massachusetts Lead Abatement Program	Department of Housing and Community Development	1 Congress St., 10th Floor	Boston	MA	02114	6177277001
Quincy Weymouth Consortium	Angelito Santos	Grant Administrator	Dept. of Planning & Community Development		1305 Hancock Street	Quincy	MA	02169	6173761167
City of Baltimore	Amy Spanier	Project Director	Lead Abatement Action Project	Baltimore City Health Dept	210 Guilford Ave., 2nd Floor	Baltimore	MD	21044	4103964530
Prince George's County	James Lyons		Dept of Housing & Community Development		9400 Peppercorn Place, Suite 200	Largo	MD	20774	3018835570
State of Maryland	Eileen R. Hagan	Dir., Special Loan Programs	MD Dept. of Housing & Community Development		100 Community Place	Crownsville	MD	21032-2023	4105147565
City of Portland	Roger Bondeson	Program Manager	Portland Lead-Safe Housing Program	City Hall, Room 313	389 Congress St.	Portland	ME	04101	2078748711

State of Maine	John Guimond	Program Officer	Maine State Housing Authority		353 Water Steet	Augusta	ME	04330-4633	2076245707
City of Detroit	Preston Smith		Detroit Housing Commission		2211 Orleans	Detroit	MI	48207	3138778000
State of Michigan	Wesley Priem		Michigan Dept of Community Health	Community Public Health Agency	3423 N. Martin Luther King Blvd., PO Box 30195	Lansing	MI	48909	5173359390
Wayne County	Joe Konrad		Lead Safe Wayne County		5454 South Venoy St.	Wayne	MI	48184	7347277445
City of Minneapolis	Brian Olson	Project Manager	City of Minneapolis, Lead Hazard Control		250 S. 4th St., Room 401	Minneapolis	MN	55415	6126733595
City of St. Paul	Jim Yannarely	Lead Program Supervisor	St. Paul Lead Hazard Control Prgm.	Dept of Public Health	555 Cedar St.	St. Paul	MN	55101-2260	6512927775
State of Minnesota	Daniel R. Locher	Program Manager	Dept. of Health	Division of Environmental Health	121 East Seventh Place, Suite 220, P.O. Box 64975	St. Paul	MN	55164-0975	6512150892
City of Kansas City	Patricia Webb	Project Manager	Kansas City Health Department	Project Lead-Safe 2000	2400 Troost Ave, Suite 1100	Kansas City	MO	64108	8165136048
City of St. Louis	Sandra Moushey	Dir.of Housing Programs	Community Development Administration		1015 Locust, Suite 1200	St. Louis	MO	63101	3146223400
St. Louis County	Kim Koenig		Home Improvement Program	Dept. of Community and Economic Dev.	26 B North Oaks Plaza	St. Louis	MO	63121	3146154414
State of Missouri (Cat. B)	Brooke Shadel		St. Louis Univ, School of Public Health		3663 Lindell Blvd.	St. Louis	MO	63108	3149773276

Butte-Silver Bow County	Shelly Cleverly		Butte-Silver Bow County Health Dept.		25 West Front St.	Butte	MT	59701	4067235040
City of Charlotte	Diane Adams		City of Charlotte Neighborhood Development		600 East Trade Street	Charlotte	NC	28202-2859	7043362911
City of Durham	Ralph Underwood	Project Administrator	Dept. of Housing & Community Development	101 City Hall Plaza	Office of the City Manager	Durham	NC	27701	9195604570
State of North Carolina	Stanley King		Dept. of Commerce	Division of Community Assistance	1307 Glenwood Ave., Suite 250	Raleigh	NC	27605-2600	9197332850
City of Omaha	Mike Saklar		Planning Dept.	Omaha/Douglas Civic Center	1819 Farnam St., Suite 1110	Omaha	NE	68183	4024445170
State of New Hampshire	Bill Guinther	Lead Program Manager	NH Housing Finance Authority		32 Constitution Drive	Bedford	NH	03301	6034728623
Hudson County	Fred Bado	Division Chief	Dept. of Finance & Administration	Div. of Housing & Community Dev.	583 Newark Ave.	Jersey City	NJ	07306	2017956186
State of New Jersey	Diane M. Kinnane		Dept of Community Affairs		101 South Broad St., P.O. Box 806	Trenton	NJ	08625-0806	6096336179
Chautauqua County	Carolyn Seymour	Program Manager	Health Dept	Hall Clothier Bldg.	7 N. Erie Street	Mayville	NY	14757	7167534653
City of Albany	Joseph Montana		Community Development Agency		200 Henry Johnson Blvd.	Albany	NY	12210	5184345240
City of Buffalo	Theresa A. Calvin	Project Manager	City of Buffalo Dept. of Community Development	Division of Neighborhoods	313 City Hall, 65 Niagara Square	Buffalo	NY	14202-3376	7168515167
City of New York	Thomas O'Hagan	Lead Program Administrator	Dept. of Housing Preservation and Development	Division of Maintenance Lead Operations Unit	100 Gold St., Room 908	New York	NY	10038	2128636389

City of Syracuse	Betsy Mokrzycki	Program Manager	Dept. of Community Development		233 East Washington St.	Syracuse	NY	13202	3154488699
Monroe County	Robert Shrader	Program Manager	Monroe County Dept. of Health		111 Westfall Road, P.O. Box 92832	Rochester	NY	14692	7162746931
State of New York	Ernest Benoit	Deputy Director of Design Services	Division of Housing & Community Renewal	Hampton Plaza	38-40 State Street	Albany	NY	12207	5184866283
Westchester County	Kim Holland	Program Manager	Division of Housing & Community Development	Planning Dept.	148 Martine Ave., Room 414	White Plains	NY	10601	9142853761
City of Akron	Karen O'Connor		Akron Health Department		177 South Broadway	Akron	OH	44308	3303752077
City of Cincinnati	Walter Handy		Dept. of Health	Community Health Services	3101 Burnet Ave.	Cincinnati	OH	45229	5133577271
City of Cleveland	Wayne Slota	Director of Lead Programs	Division of Environment	Dept of Public Health	1925 St. Clair Ave.	Cleveland	OH	44114	2166642175
City of Columbus	Joe Gothard		Department of Trade & Development	Housing and Community Services Section	50 West Gay Street	Columbus	OH	43215-9040	6146457452
City of Columbus	Joe Gothard		Department of Trade & Development	Housing and Community Services Section	50 West Gay Street	Columbus	OH	43215-9040	6146457452
City of Springfield	Katina Koumoutsos		Lead Safe Springfield		76 E. High Street	Springfield	OH	45502	9373283930
City of Toledo	Daniel Sullivan		Dept. of Neighborhoods	One Government Center	Suite 1800	Toledo	OH	43604	4192451435
Cuyahoga County	John Sobolewski		Cuyahoga County Board of Health		1375 Euclid Ave., Suite 514	Cleveland	OH	44115-1882	2166982377

Franklin County	Kathy Werkmeister		Mid-Ohio Regional Planning Commission		285 E. Main Street	Columbus	OH	43215	6142334180
Mahoning County	Gary Singer	Program Director	Mahoning County LBP Hazard Control		21 W. Boardman St., Suite #100	Youngstown	OH	44503	3307402130
Montgomery County	Tawana Jones		Board of County Commissioners	Dept of Community & Economic Development	451 West Third St. 10th Floor	Dayton	OH	45422-1280	9372255704
Grand Gateway Economic Dev. Association (Cat. B)	Jo Montana	LBP Program Manager	Council of Governments	219 Commerce Ave.	P.O. Box 8	Commerce	OK	74339-0008	9186755777
City of Portland	Andrea Taylor	Housing Program Staff	Bureau of Housing and Community Development		Commonwealth Building 421 SW 6th, Suite 1100-A	Portland	OR	97204	5038232379
Allegheny County	Bruce L. Good		Allegheny County Health Dept		1300 Brighton Rd.	Pittsburgh	PA	15233	4123236853
Borough of Palmerton (Cat. B)	Delores Ziegenfuss	Program Coordinator	Borough of Palmerton, Lead Reduction Program	Palmerton Env. Task Force	443 Delaware Ave., P.O. Box 198	Palmerton	PA	18071	6108264804
City of Harrisburg	Angela C. Smith	Deputy Director for Housing	Department of Building and Housing Development	10 North Second Street	Martin Luther King, Jr., City Government Center	Harrisburg	PA	17101	7172556428
City of Philadelphia	Court Daspit	Energy Program Manager	Office of Housing & Community Development		1234 Market St., 17th Floor	Philadelphia	PA	19146	2156869781
Commonwealth of Pennsylvania	Jennifer Hightower	Lead Hazard Control Project Manager	Dept of Health, Childhood Lead Poisoning Prevention Prgm.	Division of Maternal & Child Health	PO Box 90, Health & Welfare Bldg., Room 725	Harrisburg	PA	17108	7177838451

City of East Providence	Krista Alessandro	Lead Safe Program Coordinator	Dept. of Planning	City Hall	145 Taunton Avenue	East Providence	RI	02914-4505	4014357553
City of Providence	Dave Johnston	Lead Grant Manager	Dept. of Planning and Development		400 Westminster Street	Providence	RI	02903	4013514300
State of Rhode Island	Linda MacArthur	Program Manager	Rhode Island Housing & Mortgage Finance		44 Washington Street	Providence	RI	02906	4012430055
City of Memphis	Mark Hammond		Division of Housing & Community Development		701 N. Main St., Room 100	Memphis	TN	38107-2311	9015767349
Shelby County	Safranski Durn		Department of Housing		1075 Mullins Station Rd.	Memphis	TN	38134	9013875789
City of Houston	Mike McDaniel	Program Manager	Houston Dept of Health and Human Svcs.	Lead Hazard Control Grant Program	8000 N. Stadium Drive, 2nd Floor	Houston	TX	77054	7137949217
City of San Antonio	Curley M. Spears		Housing and Community Development	Lead Paint Hazard Control Program	419 S. Main, Suite 200	San Antonio	TX	78201	2102076605
Harris County	Bill G. Hall	Program Manager	Community Development Agency		2727 El Camino	Houston	TX	77054	7137470132
City of Lynchburg	Michelle Carey		Community Development Division	City Hall	900 Church St., P.O. Box 60	Lynchburg	VA	24505	8048471508
City of Petersburg	Floris Weston	Lead-Based Paint Program Manager	Dept. of Housing & Community Development		501 N. Second St.	Richmond	VA	23219	8043717112
City of Richmond (Cat. B)	Glenda C. McNeill	Lead-Safe Richmond - Cat. B	Dept. of Public Health	900 E. Marshall St.		Richmond	VA	23219	8046463282

State of Virginia	Floris Weston	Lead-Based Paint Program Manager	Dept. of Housing & Community Development		501 N. Second St.	Richmond	VA	23219	8043717112
State of Vermont	Ron Rupp	Director , LBP Hazard Reduction Program	Vermont Housing & Conservation Board		149 State Street	Montpelier	VT	05602	8028282912
City of Milwaukee	Amy Murphy	Program Manager	Childhood Lead Poisoning Prevention Program	1230 West Grant Street	Johnston Community Health Center	Milwaukee	WI	53125-2798	4142868028
City of Milwaukee	Sharon Pendleton		Lead Program	Johnston Community Health Center	1230 West Grant St.	Milwaukee	WI	53215	4142865033
State of Wisconsin	Tony Link		Dept. of Administration	Division of Housing	101 E. Wilson, 4th Floor	Madison	WI	53708-8944	6082618149



**EPA-Administered Lead-Based Paint Accreditation and Certification Programs**

State	Abbreviation	Name of Contact	Telephone No.	Fax No.	email
Alaska	AK	Kristin Andersen(Region 10)	206-553-8282	206-553-8509	andersen.kristin@epa.gov
Arizona	AZ	Shea Jones(Region 9)	415-744-1088	415-744-1073	jones.shea@epa.gov
Florida	FL	Roseanne Rudd(Region 4)	404-562-8998	404-562-8972	rudd.roseanne@epamail.epa.gov
Guam	GU	Shea Jones(Region 9)	415-744-1088	415-744-1073	jones.shea@epa.gov
Hawaii	HI	Shea Jones(Region 9)	415-744-1088	415-744-1073	jones.shea@epa.gov
Idaho	ID	Kristin Andersen(Region 10)	206-553-8282	206-553-8509	andersen.kristin@epa.gov
Montana	MT	Vern Dander(Region 8)	303-312-6032	303-312-6044	dander.vernon@epamail.epa.gov
North Dakota	ND	Vern Dander(Region 8)	303-312-6032	303-312-6044	dander.vernon@epamail.epa.gov
Nebraska	NE	Mazzie Talley(Region 7)	913-551-7518	913-551-7844	Talley.Mazzie@EPA.GOV
New Mexico	NM	Eva Steele(Region 6)	214-665-7211	214-665-6762	steele.eva@epa.gov
Nevada	NV	Shea Jones(Region 9)	415-744-1088	415-744-1073	jones.shea@epa.gov
New York	NY	Bevilacqua, Louis Dir (Reg2)	732-321-6671	732-321-6757	bevilacqua.louis@epa.gov
South Carolina	SC	Roseanne Rudd(Region 4)	404-562-8992	404-562-8972	rudd.roseanne@epamail.epa.gov
South Dakota	SD	Vern Dander(Region 8)	303-312-6032	303-312-6044	dander.vernon@epamail.epa.gov
Tennessee	TN	Roseanne Rudd(Region 4)	404-562-8992	404-562-8972	rudd.roseanne@epamail.epa.gov
Virgin Islands	VI	Beckett Grealish(Region 2)	732-321-6670	732-321-6757	andersen.kristin@epa.gov
Washington	WA	Kristin Andersen(Region 10)	206-553-8282	206-553-8509	andersen.kristin@epa.gov
Wyoming	WY	Vern Dander(Region 8)	303-312-6032	303-312-6044	dander.vernon@epamail.epa.gov

**States Authorized by EPA to Administer Lead-Based Paint Accreditation and Certification Programs**

State	Abbreviation	Name of Contact	Telephone No.	Fax No.	email
Alabama	AL	Phyllis Marbis	334-206-5373	334-206-5788	pmardis@adph.state.al.us

Arkansas	AR	Ron Hoofman	501-682-0717	501-682-0732	hoofman@adeq.state.ar.us
California	CA	Betty Polk	510-622-2038	510-622-5002	bpolk1@hw1.cahwnet.gov
Colorado	CO	Rick Fatur	303-692-3261	303-782-0274	rick.fatur@state.co.us
Connecticut	CT	Christopher Stan	860-509-7584	860-509-8457	christopher.stan@po.state.ct.us
District of Columbia	DC	Richard Brewster (Dir)	202-535-2626	202-535-1423	
Delaware	DE	Thom May (Dir)		302-739-3839	tmay@state.de.us
	DE	Russell Dynes (Contact)	302-739-4731	302-739-3839	rdynes@state.de.us
Georgia	GA	Ashenafi Woldemariam	404-362-2704	404-362-2693	ashenafi_woldemariam@mail.dnr.state.ga.us
Iowa	IA	Rita Gergely	515-242-6340	515-281-4529	rgergely@idph.state.ia.us
Illinois	IL	Cinda Noak	217-782-3517	217-557-1188	cnoak@idph.state.il.us
Indiana	IN	Vicki Schoen	317-233-6514	317-233-3257	vschoe@dem.state.in.us
Kansas	KS	Barry Brooks	785-296-5606	785-296-6522	bbrooks@kdhe.state.ks.us
	KS	Thomas Morey (Contact)	785-368-7154	785-296-6522	tmorey@kdhe.state.ks.us
Kentucky	KY	Sharon Perl	502-564-4537	502-564-6533	sharon.perl@mail.state.ky.us
Louisiana	LA	Rhonda McCormick	225-765-2554	504-765-2559	rhonda_m@deq.state.la.us
Massachusetts	MA	Jeffrey Timperi	617-727-1933	617-727-7568	jeff.timperi@state.ma.us
	MA	Patti Walker	617-284-8430	617-284-8436	patricia.walker@state.ma.us
Maryland	MD	Lee Haskins	410-631-3825	410-631-4186	lhaskins@mde.state.md.us
Maine	ME	Sandy Moody	207-287-7800	207-287-7826	sandy.j.moody@state.me.us
Michigan	MI	Harry Dwyer	517-335-8132	517-335-8800	dwyerh@state.mi.us
Minnesota	MN	Daniel Locher	651-215-0892	651-215-0975	loched1@mdh-ehealth.state.mn.us
Missouri	MO	Peggy Fischer	573-526-5873	573-526-0441	FischP@mail.health.state.mo.us
Mississippi	MS	Gloria Tatum	601-961-5011	601-961-5742	gloria_tatum@deq.state.ms.us
	MS	Virginia Rickles	601-961-5777	601-961-5742	virginia_rickles@deq.state.ms.us
North Carolina	NC	Heather McLamb	919-733-0661	919-733-8493	heather_mclamb@ncmail.net
New Hampshire	NH	Marjorie Yin	603-271-4555	603-271-2667	myin@dhhs.state.nh.us
New Jersey	NJ	Jim Brownlee	609-588-3120	609-584-5370	jbrownlee@doh.state.nj.us

	NJ	Paul Lamberti (firms)	609-633- 6718	609-984- 7952	plamberti@dca. state.nj.us
Ohio	OH	Charles Patterson	614-466- 1450	614-752- 4157	cpatters@gw.od h.state.oh.us
Oklahoma	OK	Richard Hooper	405-702- 4132	405-702- 4101	richard.hooper a@deqmail.stat e.ok.us
Oregon	OR	John M Odisio	503-731- 4500	503-731- 4077	john.m.odisio@ state.or.us
Pennsylvania	PA	Mandy Zimmerman	717-772- 3396	717-705- 0196	mzimmerman@dli .state.pa.us
Puerto Rico	PR	Quilo Rivero (Quilo)	787-767- 8181, ex2822	787-767- 8118	
Rhode Island	RI	William Dundulis	401-222- 4948, ext. 2107	401-222- 6953	billd@doh.stat e.ri.us
Texas	TX	Peter Tadin	512-834- 6612, ex 2434	512-834- 6644	peter.tadin@td h.state.tx.us
Utah	UT	Ursula K Trueman	801-536- 4022	801-536- 4099	utrueman@deq.s tate.ut.us
	UT	Robert Ford (Contact)	801-536- 4451	801-536- 4099	rford@deq.stat e.ut.us
Virginia	VA	Thomas Perry	804-367- 8566	804-367- 6128	perry@dpor.sta te.va.us
Vermont	VT	Shirley Conger	802-863- 7231	802-863- 7483	sconger@vdh.st ate.vt.us
Wisconsin	WI	Pam Campbell	608-266- 9379	608-266- 9711	campbellpj@dhf s.state.wi.us
West Virginia	WV	Richard Peggs	304-558- 2981 ex 60	304-558- 1289	rpeggs@wvdhhr. org

## Transition Implementation Plan Guidance

### Needs Assessment

- A. Analysis of current capacity. Based on the attached matrix, describe the current capacity to implement the particular requirements for each type of assistance under the Lead Safe Housing Regulation. To determine current capacity consult HUD's lead listing at [www.leadlisting.org](http://www.leadlisting.org), contact the nearest HUD lead hazard control grantee, and the state agency responsible for the lead-based paint certification program or the Regional EPA Office if EPA is operating the lead-based paint certification program directly.

Example:

The City of Anywhere, USA has concluded that our jurisdiction has reasonable access to 1 lead paint inspector/risk assessor, 2 abatement firms, and 20 maintenance/rehabilitation workers.

- B. Estimate of needed capacity. Based on the number of units receiving federal assistance that are covered by the regulation, estimate the number of additional trained and/or certified personnel that will be needed by March 15, 2001.

Example:

The City of Anywhere, USA estimates that the Lead Safe Housing Regulation may cover as many as 10,000 units in this jurisdiction per year. Of these, we estimate that about 2,000 will require testing and potentially, hazard reduction. Based on the number of units covered and the current capacity, the City of Anywhere has identified the following capacity needs: For units receiving Section 8 Project Based Assistance, one Risk Assessor (RA), three maintenance/rehabilitation workers, and two Sampling Technicians (ST) for clearance examinations will be needed. For Tenant Based Rental Assistance, five trained maintenance/rehabilitation workers, and one ST are needed. For Rehabilitation Assistance, one inspector/risk assessor, five trained maintenance/rehabilitation workers, two ST, and two certified abatement workers/supervisors.

## **Transition Implementation Plan**

The jurisdiction should include a description of their efforts to address the identified capacity needs through the following activities:

1. Locating an accredited training provider. Describe how the jurisdiction will locate an accredited training provider within a reasonable distance to provide training in the area. If an accredited training provider cannot be located within a reasonable distance, a request will be made to the Lead Paint Compliance Assistance Center for an accredited training provider to train community residents and others to become lead safety professionals. Other efforts to expand the availability of accredited training providers should be described.
2. Offering training. Provide training to individuals who will make a commitment to provide lead-related services to individuals or entities within the jurisdiction for an agreed upon period of time. A jurisdiction may wish to cover costs of training, including the normal costs of the accredited training, as proven by standard rate sheets provided by accredited trainers and certification fee support (where applicable).
3. Performing outreach. Market training courses to ensure that attendance at training sessions is adequate.
4. Cooperating and sharing information. Describe how the jurisdiction will coordinate with the State or EPA agency responsible for certifying lead-based paint personnel and other agencies and jurisdictions to achieve the goals of this plan. Share information to identify and train a pool of contractors, inspectors, risk assessors, supervisors, workers, and sampling technicians to serve the area.
5. Contact local HUD Lead Hazard Control Grantees. Describe efforts to coordinate with local HUD lead hazard control grantees to promote training opportunities and identify any grantee services that can be expanded or shifted to include serving the agency or jurisdiction. For example, a lead hazard control grantee may provide the services of a risk assessor on its staff to review and approve sampling technicians' reports.

6. Prioritize housing. Include a strategy for prioritizing assisted housing with the greatest risks and greatest opportunity to control lead-based paint hazards. For example, services could be targeted to the oldest units occupied by children under 6, or likely to be occupied by children under 6.

7. Maintain documentation. Keep records of the efforts and activities performed to achieve the goals of this plan.

8. Schedule. Include a schedule showing how these activities will be accomplished no later than March 15, 2001.

**NEEDS ASSESSMENT MATRIX FOR TRANSITION IMPLEMENTATION PLAN**

For each type of assistance indicate the number of current and needed trained and/or certified personnel.

	Multifamily Mortgage Insurance		Project-Based Assistance		Rehabilitation Assistance		Acquisition, Leasing, Support Services, or Operation		Public Housing		Tenant-Based Rental Assistance	
	Current	Needed	Current	Needed	Current	Needed	Current	Needed	Current	Needed	Current	Needed
Visual Assessment												
LBP inspection and risk assessment												
Interim controls - including paint stabilization												
Abatement of LBP hazards												
Clearance												